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EXAMINER

UBILES, MARIE C

ART UNIT	PAPER NUMBER
2642	8

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,346

Applicant(s)

CAMPOS, OSCAR H.

Examiner

Marie C. Ubiles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on February 5, 2004 has been entered. Claims 1-13 have been cancelled. Claims 14-22 have been added. Claims 14-22 are still pending in this application, with claim 1 being independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,974,333) in view of Silberfenig (US 6,243,594).

As for claim 14, Chen discloses a system including a vehicle panel body for use with at least one cell phone (See Detailed Description of the Invention, Col. 3, lines 46-48); said system comprises at least one elongate chamber or recess (See Figure 3, elements 44 and 412); said recess defining inner lateral surfaces proportioned for press-fittable receipt of at least forty percent of the mass of said cell phone (See Detailed Description of the Invention, Col. 3, lines 54-57 and Figure 6); said recess including an opening or mouth (See Figure 3, element 412) and a distal base (See Figure 3, element 45) and said base of said recess proportioned for complementary receipt of a base of said cell phone (See Fig. 6).

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Thus it can be seen that Chen's system lacks the recess having a primary axis positioned at a diagonal relative to a horizontal plane defined by a vehicle dash-panel. The examiner takes official notice that the angle of a vehicle's dash-panel varies from model to model, therefore it would have been obvious to one of ordinary skill in the art, that the installation of Chen's unit on a vehicle having a dash-panel with an angle different than 90 degrees will provide a recess having a primary axis positioned at a diagonal relative to a horizontal plane defined by a floor of a vehicle and wherein the mouth and distal base of the recess are transverse to the recess inner lateral surfaces and primary axis.

Chen's system further lacks the limitation specifying the use of a dictation recorder.

Silberfenig teaches "A combination cellular telephone and sound storage device has a traditional cellular telephone having a microphone that is operably connected to a transmitter/receiver which is operatively connected to a speaker. The invention further include a sound storage device, preferably a non-volatile analog memory chip, that is operatively connected to both the microphone and the speaker.... The record switch is operatively controlled by a record button, thereby allowing the user to record verbal notes... The play switch is operatively controlled by a play button, thereby allowing the user to replay the verbal notes recorded on the microphone." (See Abstract, lines 1-7, 10-12 and 14-16).

It would have been obvious to one of ordinary skill in the art the time the invention was made to modify Chen by placing on the recess a combination of cellular

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telephone and sound storage device (or dictation recorder), as taught by Silberfenig; and thus in this manner allowed a user to record and later listen to verbal notes made by the aforementioned user.

As for claim 15, Chen discloses speaker means, inclusive of amplifier means (See Figure 4, element 53 and 56), it is well known in the art that half of the speaker units in a vehicle are collocated within the passenger compartment.

As for claims 17, Chen discloses a system further comprising a cell phone with voice actuation means (See Detailed Description of the Invention, Col. 4, lines 47-50), it is understood that the dash panel comprise voice actuation means as the cell phone is enclosed within a recess that is part of said dash panel.

As for claim 19, Chen discloses means for selectably recording audio tape, compact disk or radio originated material (as read on "playback of audio signals from the audio source...")(See Summary of Invention, Col. 2, lines 12-17 and Detailed Description, Col. 3, lines 48-54)

Claim 18 is rejected for the same reasons as claim 17.

3. Claim 16 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,974,333) in view of Silberfenig (US 6,243,594) as applied to claims 14-15 above, and further in view of Sato (US 4,064,374).

As for claim 16, Chen in view of Silberfenig does not disclose means to charge a power source of said recorder positioned within said vehicle panel body and in electrical communication with said distal base of said recess thereof.

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Sato teaches "A playback signal from the tape recorder 20 can be reproduced by a radio set 110, and a signal intercepted by the car radio set 110 can be applied to the AGC circuit 61 of the tape recorder 20, and hence can be recorder. [...] An advantage gained by coupling the recording 20 with the car radio set 20 is the capability of utilizing the car battery as the power source." (See Detailed Description, Col. 10, 67-68 and Col. 11, lines 1-3, 8-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Chen in view of Silberfenig, by further adding the coupling of a recorder (or dictation recorder) to a power source within the car, as taught by Sato, and thus provide the user with the capability of utilizing the car battery to power the recorder.

Claim 21 is rejected for the same reasons as claim, while the aforementioned combination does not disclose the limitation specifying "a second elongated recess", it would have been obvious to one of ordinary skill in the art at the time the invention was made to duplicate the system, and in this manner provide a recess for an extra electronic device (e.g. a cell phone).

Claim 22 is rejected for the same reasons as claim 21, the limitation "providing electrical communication with an audio module of the vehicle" is disclose by Chen on Detailed Description, Col. 4, lines 50-54.

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4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable Chen (US 5,974,333) in view of Silberfenig (US 6,243,594) in view of Sato (US 4,064,374), as applied to claims 16 and 21, and further in view of Watts (6,160,389).

Chen in view of Silberfenig in view of Sato disclose the invention as claimed except for means for selectably actuating and de-actuating the system charging means.

Watts teaches "The battery charger circuit 14 has two modes of operation, standby and charging. In standby mode an AC input voltage is applied, however the assembly on/off switch 86 is set OFF preventing the assembly from charging the battery." (See Detailed Description of the Preferred Embodiment, Col. 5, lines 62-66).

Watts further teaches "Charging a [...] battery at elevated temperatures can potentially lead to destruction of the device, possibly resulting in damage to the battery charger." (See Background and Summary of the Invention, Col. 1, lines 29-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chen's invention by adding a on/off switch or actuator/de-actuator to the system charging means, therefore avoiding possible damage to the cellphone battery, charging means and other electrical devices within the system.

Response to Arguments

5. Applicant's arguments with respect to claim 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Groeger et al. (US 5,923,624) teaches a radio receiver including a recording unit for audio data.

Barnes et al. (US 5,263,199) teaches a vehicle accessory having integrally contained radio receiver and recording means.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Marie C. Ubiles
April 10, 2004.



JACK CHIANG
PRIMARY EXAMINER